



Town of Weare

Planning Board/Zoning Board of Adjustment
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Application for Variance of Use or Area

Before you undertake completing this application we strongly encourage you to read the entire application, first. Upon reading the entire application go back and answer questions 1 through 5 with as much specific factual detail as required. The obligation of demonstrating facts sufficient to support your appeal is your responsibility. Use the "Required Documentation Checklist" to assist you in properly collecting the necessary data and providing responses that factually support your position.

*The undersigned hereby requests a variance of [] use or [] area to the terms of Article _____
Section _____ of the Town of Weare Zoning Ordinance and requests said Zoning
Ordinances be waived or otherwise modified to permit; _____*

You are required by law to demonstrate;

- 1. There will not be a diminution of value of surrounding properties as a result of the granting of this variance*

because: _____

2. *The granting of a variance will not be contrary to the public interest because:*

3. *That enforcement of the zoning ordinance will create an unnecessary hardship in that the zoning restriction:*

Answer a-c if your application is for a “USE” variance

[a] As applied to the petitioner’s property will interfere with the petitioner’s reasonable use of their property, considering the unique setting of the property in its environment for the following reasons:

[b] As specifically applied to the petitioner’s property the ordinance has no fair and substantial relationship to the general purposes of the zoning ordinance for the following reasons:

[c] If relieved by a variance, will not injure the public or private rights of others for the following reasons:

Answer aa-bb if your application is for an “AREA” variance

[aa] An area variance is needed to enable the applicants proposed use of the property given the special conditions of the property because:

[bb] The benefit sought by the applicant cannot be achieved by some other method reasonably feasible for the applicant to pursue, other than an area variance because:

4. *That through the granting of relief by variance substantial justice will be done because:*_____

_____.

5. *The use, for which the variance is requested, will not be contrary to the spirit of the ordinance because:*

_____.

*Petitioners Signature:*_____

*Date:*____/____/____

Terms & Definitions you need to be familiar with

Request for a “USE” variance: *allows the applicant to undertake a use which zoning ordinances prohibit.*

Request for an “AREA” variance: *authorizes deviations from restrictions, which relate to a permitted use, rather than limitations on the use itself. Variances made necessary by the physical characteristics of the lot itself are “nonuse” variances of a kind commonly termed “AREA VARIANCES”*

How “Hardship” is evaluated in the awarding of a variance:

For a “USE” variance: *the applicant must satisfy the 5 prongs (the original 5 questions). As it relates to “Hardship, the applicant’s appeal must also satisfy;*

[a] A zoning restriction as applied to their property interferes with their reasonable use of the property, considering the unique setting of the property in its environment (operative phrase: unique setting of the property in its environment).

[b] No fair and substantial relationship exists between the general purpose of the zoning ordinance and the specific restriction on the property.

[c] The awarding of the variance will not injury the public or private rights of others.

For an “AREA” variance: *the applicant must satisfy the 5 prongs (the original 5 questions). As it relates to “Hardship, the applicant’s appeal must also satisfy;*

[a] Is the variance needed to enable the applicant’s proposed use of the property given the special conditions of the property (operative phrase; given the special conditions of the property)?

[b] The benefit sought by the applicant cannot be achieved by some other method reasonably feasible for the applicant to pursue, other than an area variance. (in other words; there are no other reasonable options available to the applicant; operative phrase: reasonable options available).

As it relates to HARDSHIP, there must be a demonstration or showing of an adverse effect amounting to more than mere inconvenience.

*In completing your responses to the 5 questions in the application your answers **MUST** be **factually supported**. “Just because” is **NOT** a supporting factual basis. Uniqueness of the property characteristics is a single or series of supporting facts.*

It is your responsibility to clearly identify which specific variance you are requesting in your application for appeal.